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WM02/0327

EXAMINER

BUJ, K

ART UNIT	PAPER NUMBER
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2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

48

Office Action Summary

Application No.

09/055,712

Applicant(s)

Lee

Examiner

"Krista" Kieu-Oanh Bul

Group Art Unit

2611



☒ Responsive to communication(s) filed on Jan 25, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-7, 10-24 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Young et al. (U.S. Patent No. 5,727,060).

Regarding claims 1 and 33-34, Young et al (or "Young" hereinafter) disclose a method of displaying a program progress time on a signal receiver, i.e., on a graphical interface screen (Fig. 10/item 72) which receives and processes program guide information containing a program schedule (col. 1/lines 20-30), comprising the steps of:

- (a) storing the program guide information, i.e., to a schedule memory (Fig. 22A/item 232);
- (b) setting a command of the signal receiver which is commonly usable by a user as a display command to display time information about a currently viewed program, i.e., a program with the display time information, i.e., the display time information such as the running time or the elapsed time are displayed on demand for the user (as in Figs. 6 & 10 and col. 8/lines 45-65); and

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(c) displaying the time information about the currently viewed program when the user issues the display command set in said step (b), i.e, user uses a Select command for displaying the information (col. 8/line 66-col. 9/line 10) as well as "receiving program guide information containing a program schedule" as cited in claim 34 (Young, Figs. 6-7).

As for claim 2, the step of "further comprising the step of displaying the time information together with the currently viewed program" is revealed by Young as Young shows that the display time information can be displayed on demand for the user on the overlay 52 (Fig. 10 and col. 8/lines 46-65).

As for claims 3 and 4, the steps of "wherein the time information is a program terminating time of the currently viewed program" and "wherein the time information further comprises a beginning time and a current time with respect to the currently viewed program" are taught by Young as Young suggests that the elapsed time, which means the starting time and the terminating time, is included in the overlay 52 (col. 8/lines 60).

Concerning claims 5 and 6, Young also suggests the step of "wherein the time information includes the program progress time determined by subtracting the beginning time from the current time" and "wherein the time information further comprises a remaining program time determined by subtracting the current time from the program terminating time" as Young discloses a progressing bar for indicating the elapsed time of the currently playing program from the start until the end (Fig. ¹⁰~~6~~/item 72).

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Regarding claim 7 (amended), in view of claim 1 above, Young discloses a method of displaying a program progress time on a signal receiver, i.e., on a graphical interface screen (Fig. 10/item 72) which receives and processes program guide information containing a program schedule (col. 1/lines 20-30), comprising the steps of: storing the program guide information, i.e., to a schedule memory (Fig. 22A/item 232), and displaying the time information about the currently viewed program when the user issues the display command set in said step (b), i.e., user uses a Select command for displaying the information (col. 8/line 66-col. 9/line 10). Young further discloses to include the step of "displaying next program information when the remaining program time reaches a preset time" as Young discloses a "What's Next on TV" guide on the current viewing channel for the user (as in Fig. 7 and col. 9/line 65-col. 10/line 20).

As for claims 10, Young also teaches "wherein the commonly usable command of the signal receiver is a command for a channel up/down" because the program note including the progressing time is in the overlay portion, and when the user sends the command by pressing the channel up/down, the overlay portion will display its content correspond to the up/down channel (see Fig. 11 for setting up the program note; Fig. 21/items 136 for controlling up/down channel and col. 8/lines 46-65 for how to use the program note).

As for claim 11, the step of "wherein the commonly usable command of the signal receiver is a command for a remote controller event" is taught by Young (see 22B/item 212).

Regarding claim 12 (amended), in further view of claim 1 above, Young discloses a method of displaying a program progress time on a signal receiver, i.e., on a graphical interface

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screen (Fig. 10/item 72) which receives and processes program guide information containing a program schedule (col. 1/lines 20-30), comprising the steps of: storing the program guide information, i.e., to a schedule memory (Fig. 22A/item 232), and displaying the time information about the currently viewed program when the user issues the display command set in said step (b), i.e., user uses a Select command for displaying the information (col. 8/line 66-col. 9/line 10).

Young further reveals to include the step of "judging that the command for displaying the program progress time is issued by the user so as to display the program progress time at a preset time set by the user prior to a program terminating time of the currently viewed program" as the user can activate or deactivate, i.e., by toggling On or OFF, the program note including the progress time bar (col. 9/line 1) and by setting up the preset time period in the menu for the starting time and the terminating time as desired (Fig. 25 and col. 24/lines 3-13).

Regarding claims 13-16, these method claims with the combination of already-claimed steps are rejected for the reasons given in the scope of claims 1-7 as already disclosed above.

Regarding claim 17, Young discloses a method of displaying a program progress time of a currently viewed program of a signal receiver, i.e., on a graphical user interface screen (Fig. 10), the method comprising the steps of: receiving program guide information including a program schedule having the currently viewed program (Fig. 10/item 70 for the program guide information); and displaying the program progress time of the currently viewed program in response to a command from a user to perform a function other than displaying the program progress time upon receipt of the command, i.e., the user set the display notes ON, not the

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program progress time, but the display is included the status of the program progress time (col. 6/lines 46-65).

As for claims 18 and 29, the steps of “wherein the command is one of an activating a channel up/down key, determining an occurrence of a remote controller event, and setting of a preset time prior to a program termination of the currently viewed program” and “wherein the command is one of an activating a channel up/down key, determining an occurrence of a remote controller event, and setting of a preset time prior to a program termination of the currently viewed program” are rejected for the reasons given in the scope of claims 10-12 as already disclosed above.

As for claim 19, Young teaches “wherein said displaying step comprises the step of simultaneously displaying the program progress time and the currently viewed program” (Fig. 10).

Regarding claim 20, the steps of “generating a setup display for the user to designate ones of a plurality of commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command” and “receiving inputs from the user designating the ones of the plurality of the commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command” are taught by Young as Young indicates other functions for the user to command such as What’s On TV, What’s on Tape, Recordings, Themes and etc. (Figs. 4, 7-8, 11, 13).

As for claims 21 and 30 (amended), in view of claim 17 above, Young discloses a method of displaying a program progress time of a currently viewed program of a signal receiver, i.e., on

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a graphical user interface screen (Fig. 10), the method comprising the steps of: receiving program guide information including a program schedule having the currently viewed program (Fig. 10/item 70 for the program guide information); and displaying the program progress time of the currently viewed program in response to a command from a user to perform a function other than displaying the program progress time upon receipt of the command, i.e., the user set the display notes ON, not the program progress time, but the display is included the status of the program progress time (col. 6/lines 46-65). Young further discloses the step of "displaying next program information of a next program on a same channel as the currently viewed program at the preset time prior to the program termination of the currently viewed program" (Fig. 6/item 52 & Fig. 7).

As for claim 22, the steps of "generating a setup display for the user to designate ones of a plurality of commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command, wherein a one of the plurality of commands is to display the program progress time at a preset time prior to a program termination of the currently viewed program, and for the user to designate another command to display next program information on a same channel as the currently viewed program at the preset time; receiving inputs from the user designating whether the ones of the plurality of the commands are to function as the command to perform the function other than displaying the program progress time upon receipt of the command; and displaying the next program information at the preset time if the first and the another commands are set by the user positively" is suggested by Young as Young allows users to set up the start time and end time of the program(s) and the displaying of

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the program notes including the program progress time (Fig. 25, col. 8/lines 46-65 and col. 23/line 60 - col.24/line 13).

As for claims 23 and 24, Young teaches "wherein the program progress time includes a program beginning time, a current time, and a program termination time of the currently viewed program" as Young reveals to include the running time of a program, and the current time as shown on the status bar (col. 8/lines 59-60 and Fig. 10/item 62); and "wherein the program progress time further includes a channel number, a name of a broadcast station and a title of the currently viewed program", i.e., Cosby Show (Title) is currently broadcasting on channel 2 (channel number) and by KNTV-FOX (name of a broadcast station) (Fig. 10).

Regarding claim 28, Young teaches a device for displaying a program progress time, comprising: a receiving unit to receive a TV program and a TV program guide containing a program schedule which includes information on the TV program (Figs. 22A & 22B); a user interface to enable entry of a command from a user requesting display of the program progress time (Fig. 22B/item 212); an audio output unit to generate an audio signal of the TV program, i.e., TV program is played at the TV monitor using cable decoder and tuner (Fig. 22A); a processor to produce On-Screen-Graphic data for displaying the program progress time in response to the command from the user and based upon the program schedule (col. 8/lines 45-65 and Fig. 10/item 72); a video output unit to mix video data of the TV program and On-Screen-Graphic data of the TV program, to output a resulting signal; and a display to display the resulting signal (Fig. 22A/at items 224 7 226 to provide outputs to item 210).

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Regarding new claims 31-32, Young reveals "a method of displaying a program progress time of a currently viewed program comprising: issuing a user-initiated display command; and displaying a program terminating time of the currently viewed program in response to the display command", i.e., the display time information such as the running time or the elapsed time (included the termination time) are displayed on demand for the user (as in Figs. 6 & 10 and col. 8/lines 45-65); and "displaying the program terminating time at a preset time set by the user prior to the program terminating time of the currently viewed program", i.e, displaying the time information such as the termination time about the currently viewed program when the user issues the display command set, i.e, user uses a Select command for displaying the information (col. 8/line 66-col. 9/line 10 & col. 10/lines 20-40 as the termination time is included in the elapsed time).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8-9 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent No. 5,727,060) in view of Jennings, Jr. et al (U.S. Patent No. 5,542,088).

Regarding claims 8-9 and 25-27, Young suggests to include a percentage calibrated time bar for indicating the percentage of the progressive program (as in Fig. 10/item 72 and col. 10/lines 27-35), but not clearly includes a percentage number as “wherein the time information further comprises a percentage of the program progress time as compared with a total program broadcasting time calculated by subtracting the beginning time from the program terminating time”; “wherein the time information further comprises a percentage of the remaining program time as compared with the total program broadcasting time”; “wherein said displaying step comprises the step of displaying the beginning time at a start of a display bar, the program termination time at end of the display bar, and the current time at a position of the display bar corresponding to a percentage of time elapsed versus a total time of the currently viewed program; wherein said displaying step further comprises the step of displaying a first percentage number of the time elapsed and a second percentage number of a time remaining versus the total time of the currently viewed program” and “wherein the command is to display the program progress time automatically at a preset time prior to a program termination of the currently viewed program”; however, such a technique of displaying a progressive time bar together with the percentage numbers of indicating how much percentage of the program is completed and the setting of a function to perform at a preset time is known in the art. In fact, Jennings et al (or

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“Jennings” hereinafter) disclose a same technique of displaying a status bar with its percentage numbers for indicating how many percentage of the program is completed (Jennings, Fig. 2 and col. 6/lines 20-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young’s suggested percentage calibrated time bar with Jennings’ percentage numbers next to that progressive time bar in order to clearly indicate how many percent of the program is being completed. The motivation for doing this is to offer a clear and precise visual notification to users about the currently viewing program being broadcasted as well as the remaining time of that program in terms of percentage numbers instead of an estimation as taught by Young’s progressive calibrated time bar.

Response to Arguments

5. Applicant's arguments filed on 1/25/2001 have been fully considered but they are not persuasive.

Applicant merely argues that Young does not disclose or include “a program progress time” as claimed in claim 1 which briefly cites “a signal receiver” (see the Rejection 112-2nd paragraph above) and its method for “displaying a progress time on a signal receiver ... comprising ... setting a command of the signal receiver which is commonly usable by a user as a display command to display time information about a currently viewed program” by pointing at Figure 6 of Young. However, the Applicant should further take a closer look at col. 8/lines 46-65 and Figure 10, col. 20/lines 20-40 of Young. Young clearly reveals that when a user wants to know more about the status of a program, the user can press a Select key, then an overlay note 52

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are appeared including the running time of (currently playing) program, elapse time of the program, i.e., (understood as) the start time and the terminate time of a program, as well as the calibrated time bar which indicating the elapse time on it. Thus, it clearly indicates that "a program progress time" is already taught by Young. For the rest of it, the Examiner already discloses in details in this Office Action on how the Examiner understands the approach of this application.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Young does suggest to include a calibrated time bar with the S and F which stands for Start and Finish. To any one of ordinary skill in the art, because that status bar is representing "Time"; therefore, it inherently suggests that one could easily replaces "S " and "F" with the "Start Time" and "Finish Time" next to the Time bar, or the percentage of the progressing program by starting with "0 %" and "100 %" as disclosed by Jennings. And for that step, it does not require a sophisticated mathematical formula or complex techniques to figure it out to anyone. Therefore, even though Jennings' reference is not in the same environment as in the television system, the Examiner believes that the combination teachings of Young and

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Jennings stands proper and valid. Therefore, the Examiner disagrees with the Applicant's arguments and stands with the teachings of Young and Jennings as already discussed in the previous and this Office Action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)


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